

REMARKS

Claims 12-28 are pending in the present Application. Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 12-28 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the Specification in such a way as to reasonably convey to one skilled in relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants respectfully traverse this rejection. In the following discussion all references to paragraph numbers of the Application refer to the published patent application (US 2005/0112436).

In the paragraph bridging pages 3 and 4 of the Final Office Action the Examiner appears to indicate that he believes that the pending application only provides support for adjusting the temperature of the fuel cell during start up and not during the normal operation of the fuel cell. Applicants respectfully disagree.

As indicated in paragraph [0013] the reactions that take place within a fuel cell are exothermic. Thus, to maintain a desired temperature in a fuel cell assembly during operation would require removing heat (cooling). As taught in [0027] and [0028] as well as in Claim 12, the voltage of the power source is altered in response to the measured temperature to heat or cool. As taught in [0055] cooling a fuel cell assembly is explicitly contemplated. Furthermore, paragraphs [0068] and [0069] both discuss using feedback to maintain temperature control. There is no indication in the application that this feedback is present only for purposes of start up as described by the Examiner. The Application repeatedly describes temperature control which is different from merely assisting the assembly to achieve the desired initial temperature for start up. Temperature control describes maintaining the temperature under a range of conditions including operation. Applicants respectfully urge the Examiner to reconsider the Application by re-reading the Specification without prejudice.

It is believed that the foregoing remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and withdrawal of the rejection(s) and allowance of the case are respectfully requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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